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SUBJECT: Labor Unions Accuse Government of Neglect on Labor Issues

¶1. (SBU) Summary: A group of prominent union leaders used the occasion of a November 12 breakfast hosted by Ambassador McFarland to criticize the Government of Guatemala (GOG) for its alleged indifference to the country's principal labor problems. They complained that the GOG continues to do a poor job in ensuring the payment of minimum wage, routinely fails to enforce labor court rulings, and has shown little to no interest in investigating and solving cases of violence against labor leaders over the past two years. On this last issue, they asked for the Ambassador's assistance in getting the International Commission Against Impunity in Guatemala (CICIG) to investigate at least a couple of the higher-profile cases. The Ambassador underscored the U.S.'s commitment to the right to organize and our interest in resolving the CAFTA complaint. End Summary.

¶2. (U) On November 12, Ambassador McFarland hosted a breakfast at his residence for five of Guatemala's most influential labor leaders as well as Steve Wishart, the AFL-CIO's Solidarity Center representative for Central America. Laboff also attended. The five union leaders present were:

Jose Pinzon - General Workers Confederation of Guatemala (CGTG)

Carlos Mancilla - Unified Guatemalan Confederation of Unions (CUSG)

Efren Sandoval - Union of Guatemalan Workers (UNSITRAGUA)

David Morales - Federation of Unions in the Food Service Industry and Related Sectors (FESTRAS)

Adolfo Lacs - Guatemalan Workers Union (UGT)

¶3. (SBU) No issue discussed at the breakfast elicited more comment than the (non) performance of the government in investigating and solving recent cases of violence and intimidation against union members. Nearly all of them complained about a lack of political will at the highest levels of government to investigate such cases and about the general level of impunity that pervades the country.

¶4. (SBU) UNSITRAGUA leader Sandoval claimed that the special unit within the Attorney General's Office charged with investigating attacks against union members is clearly underfunded and understaffed. Carlos Mancilla relayed a personal story from January 2008 in which he claimed that unknown assailants shot up his house while he was in it. He said he promptly reported the incident to the authorities but that they did not respond for 27 days. Once the police and investigators from the Attorney General's Office finally arrived to investigate, they told him the evidence of the alleged attack had been "contaminated."

¶15. (SBU) UGT leader Lacs said that the typical modus operandi of the Attorney General's Office in cases of violence against union leaders is to dismiss them as crimes of passion. He also complained of the AGO's tendency to investigate the personal life of the victims before pursuing possible suspects. Lacs claimed that previous convictions in labor cases had been made possible only through U.S. pressure. FESTRAS leader Morales said that when the U.S. shows interest and becomes involved, "the climate really changes for labor."

¶16. (SBU) CGTG leader Pinzon complained that the GOG has shown no interest in increasing the country's minimum wage, and, in fact, is doing little to enforce the current minimum wage of 52 quetzales (a little over \$6 a day). He said he knew of at least 60 farms that are not paying the current minimum wage. CUSG leader Mancilla went a step further, claiming that minimum wage is not paid in most plantations. (Note: Pinzon's and Mancilla's confederations and others affiliated with them are demanding that the GOG more than double the minimum wage to cover the basic needs basket, which is Q119 per day. Lac's union is pushing for an eight percent raise in the minimum wage, a much more modest increase which has a greater chance of receiving support from the Colom administration. End note.)

¶17. (SBU) Pinzon lamented what he said is a low level of union membership in Guatemala and asserted the union movement had failed in many respects to develop over the past 25 years. Lack of respect for unions and for their right to organize, Mancilla added, is ingrained throughout Guatemalan society. He claimed that workers are fired daily without just cause and that labor court rulings are routinely ignored or not enforced. Lacs said that the government mindset is that organized labor deters investment. Such views, he said, inevitably attract low-skilled, low paying maquila-type industries.

¶18. (SBU) Comment: Normally combative and frequently critical of the U.S., the five labor leaders were surprisingly restrained and supportive of USG efforts during the breakfast. They were grateful for a chance to air their views regarding the current labor climate with the Ambassador, and were clearly hopeful that he might use his influence and relationship with CICIG Commissioner Carlos Castresana to reinforce the public commitment that Castresana made on October 29 (Ref) to investigate some of the more high-profile cases of violence against labor and popular leaders that have taken place in the past two years. End Comment.

MCFARLAND